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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2010-260**

11 **VALERIE REGINA BUGNON AKA**
12 **VALERIE REGINA MAGARITY**
13 **4600 Via Marina, Apt. 206**
Marina Del Rey, CA 90292

A C C U S A T I O N

14 **Registered Nurse License No. 592121**

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
21 Department of Consumer Affairs.

22 2. On or about December 11, 2001, the Board of Registered Nursing issued Registered
23 Nurse License Number 592121 to Valerie Regina Bugnon aka Valerie Regina Magarity
24 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
25 the charges brought herein and will expire on May 31, 2011, unless renewed.

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1 8. California Code of Regulations, title 16, section 1443, states:

2 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
3 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
4 exercised by a competent registered nurse as described in Section 1443.5."

5 9. California Code of Regulations, title 16, section 1443.5 states:

6 "A registered nurse shall be considered to be competent when he/she consistently
7 demonstrates the ability to transfer scientific knowledge from social, biological and physical
8 sciences in applying the nursing process, as follows:

9 "(1) Formulates a nursing diagnosis through observation of the client's physical condition
10 and behavior, and through interpretation of information obtained from the client and others,
11 including the health team.

12 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and
13 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
14 for disease prevention and restorative measures.

15 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health
16 treatment to the client and family and teaches the client and family how to care for the client's
17 health needs.

18 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
19 subordinates and on the preparation and capability needed in the tasks to be delegated, and
20 effectively supervises nursing care being given by subordinates.

21 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical
22 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
23 communication with the client and health team members, and modifies the plan as needed.

24 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve
25 health care or to change decisions or activities which are against the interests or wishes of the
26 client, and by giving the client the opportunity to make informed decisions about health care
27 before it is provided."

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1 Patient #2

2 15. At about 1000 hours, Respondent charted "Acyclovir infused, IV flushed with NS
3 only."

4 16. At about 1500 hours, Respondent noticed a small drop of blood on Patient #2's IV
5 site dressing. Respondent removed the dressing, flushed the line with normal saline, and
6 reapplied an IV site dressing. Respondent did not document this intervention on any of Patient
7 #2's medical records.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Gross Negligence)**

10 17. Respondent is subject to discipline under Code section 2761, subdivision (a)(1) on the
11 grounds of unprofessional conduct as defined under California Code of Regulations, title 16,
12 section 1442, in that on or about November 18, 2007, while on duty as a per diem nurse at 4NE at
13 CSMC, Respondent was grossly negligent in the following respects:

- 14 a. Patient #1. At about 1430 hours, after she administered Acyclovir to Patient #1,
15 Respondent failed to document the administration of Acyclovir on Patient #1's MAR.
16 Complainant refers to and incorporates all the allegations contained in paragraphs 12 –
17 15, as though set forth fully.
- 18 b. Patient #1. At about 1530 hours, Respondent flushed Patient #1's IV line with normal
19 saline after the administration of Acyclovir, when hospital policy mandates the use of
20 10 units of Heparin flush. Complainant refers to and incorporates all the allegations
21 contained in paragraphs 12 – 15, as though set forth fully.
- 22 c. Patient #2. At about 1000 hours and 1500 hours, Respondent flushed Patient #2's IV
23 line with normal saline after the administration of Acyclovir, when hospital policy
24 mandates the use of 10 units of Heparin flush. Complainant refers to and incorporates
25 all the allegations contained in paragraphs 12 – 15, as though set forth fully.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Incompetence)

3 18. Respondent is subject to discipline under Code section 2761, subdivision (a)(1) on the
4 grounds of unprofessional conduct as defined under California Code of Regulations, title 16,
5 sections 1443 and 1443.5, in that on or about November 18, 2007, while on duty as a per diem
6 nurse at 4NE at CSMC, Respondent was incompetent in the following respects:

- 7 a. Patient #1. Respondent failed to document the administration of normal saline flush
8 after the completion of Acyclovir at about 1530 hours. Complainant refers to and
9 incorporates all the allegations contained in paragraphs 12 – 15, as though set forth
10 fully.
- 11 b. Patient #2. Respondent failed to document that at about 1500 hours, she noticed blood
12 on Patient #2's IV dressing, that she removed the dressing, and flushed the IV line with
13 normal saline and reapplied the dressing. Complainant refers to and incorporates all the
14 allegations contained in paragraphs 12 – 15, as though set forth fully.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Registered Nursing issue a decision:

- 18 1. Revoking or suspending Registered Nurse License Number 592121, issued to Valerie
19 Regina Bugnon aka Valerie Regina Magarity;
- 20 2. Ordering Valerie Regina Bugnon aka Valerie Regina Magarity to pay the Board of
21 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
22 pursuant to Business and Professions Code section 125.3;
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 11/10/09

25 Louise R. Bailey
26 LOUISE R. BAILEY, M.ED., RN
27 Interim Executive Officer
28 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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